

Counsel Listed on Next Page

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FISHER INVESTMENTS, INC., a California
corporation,

Plaintiff,

v.

MORGAN STANLEY DW, INC., a
Delaware corporation, and DOES 1-10,
inclusive,

Defendants.

Case No. C 07 2547 SC

**STIPULATION AND [PROPOSED]
ORDER CONTINUING (1) DUE
DATE OF DEFENDANT MORGAN
STANLEY & CO., INC.'S (F/K/A
MORGAN STANLEY DW, INC.)
RESPONSE TO PLAINTIFF'S
COMPLAINT, AND (2) CASE
MANAGEMENT CONFERENCE**

LOCAL RULE 6-1(a)

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16 Attorneys for Plaintiff
17 Fisher Investments, Inc.

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Attorneys for Defendant
Morgan Stanley & Co., Inc.
(f/k/a Morgan Stanley DW, Inc.)

1 Plaintiff Fisher Investments, Inc. ("Plaintiff" or "Fisher"), on the one hand, and Defendant
2 Morgan Stanley & Co., Inc. (f/k/a Morgan Stanley DW, Inc.) ("Defendant" or "Morgan
3 Stanley"), on the other hand, through their respective counsel, HEREBY STIPULATE and
4 AGREE pursuant to Local Rule 6-1(a) as follows:

5 1. The parties have been engaged in good faith settlement negotiations. The parties
6 agree that it would be injurious to the settlement process for the parties and counsel to have to
7 devote substantial time and resources to address litigation demands, including motion work
8 related to the Complaint, initial disclosures and other discovery demands. Accordingly, the
9 parties agree to extend the time for defendant to file a responsive pleading to the complaint by
10 another 45 days. The parties also agree, with Court approval, to continue the case management
11 conference, and associated initial disclosure and other deadlines, by 90 days.

12 2. Plaintiff Fisher filed its Complaint in the Superior Court for the County of San
13 Mateo on April 12, 2007, and served it on April 13, 2007. Defendant Morgan Stanley removed
14 the complaint to federal court on May 14, 2007.

15 3. On May 16, 2007, the parties stipulated to extend the time for Morgan Stanley's
16 response to the Complaint from May 21, 2007 to June 5, 2007.

17 4. On June 1, 2007, the parties stipulated to extend the time for Morgan Stanley's
18 response to the Complaint from June 5, 2007 to June 20, 2007.

19 5. On June 18, 2007, the parties stipulated to extend the time for Morgan Stanley's
20 response to the Complaint from June 20, 2007 to July 5, 2007.

21 6. On June 28, 2007, the parties stipulated to extend the time for Morgan Stanley's
22 response to the Complaint from July 5, 2007 to August 6, 2007.

23 7. The parties stipulate and agree that Defendant's time to respond to Plaintiff's
24 Complaint shall be continued another thirty (45) days, until September 20, 2007.

25 8. Additionally, the parties stipulate that the Case Management Conference
26 scheduled for August 17, 2007 shall be continued for 9 weeks, until October 19, 2007.

27 SO STIPULATED.
28

1 Dated: July 31, 2007

JOSEPH W. COTCHETT
NANCY L. FINEMAN
COTCHETT, PITRE & McCARTHY

SCOTT METZGER
ANNA F. ROPPO
DUCKOR SPRADLING METZGER & WYNNE

2 By: _____/s/
3 Scott Metzger
4 Attorneys for Plaintiff
5 Fisher Investments, Inc.

6 Dated: July 31, 2007

7 TRISH M. HIGGINS
8 MICHAEL D. WEIL
9 ORRICK, HERRINGTON & SUTCLIFFE LLP

10 By: _____/s/
11 Michael D. Weil
12 Attorneys for Defendant
13 Morgan Stanley & Co., Inc.
14 (f/k/a Morgan Stanley DW, Inc.)

15 I hereby attest that the concurrence in the filing of this document has been obtained from
16 Scott Metzger, Attorney for Plaintiff, Fisher Investments, Inc.

17 By: _____/s/
18 Michael D. Weil
19 Attorneys for Defendant
20 Morgan Stanley & Co., Inc.
21 (f/k/a Morgan Stanley DW, Inc.)

22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

23 Dated: _____, 2007.

24
25
26
27 _____
The Honorable Samuel Conti
United States District Court Judge